

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Sweeney, Patrick J.  
Title: MODULAR CANNULATED TOTAL JOINT PROSTHESIS  
Appl. No.: 10/730,606  
Appl. Filing Date: 12/08/2003  
Examiner: Alvin J. Stewart  
Art Unit: 3774  
Conf. No.: 4015

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- ☒ [ X ] Please enter and consider the amendment and/or reply previously filed on  
December 9, 2008 .
- ☐ [ ] Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_ but not  
considered.
- ☐ [ ] Please consider the arguments in the Appeal Brief or Reply previously filed on \_\_.
- ☐ [ ] Other \_\_.

b. Enclosed are:

- ☐ [ ] Amendment/Reply.
- ☐ [ ] Affidavit(s)/Declaration(s).
- ☐ [ ] Information Disclosure Statement.
- ☐ [ ] Form PTO/SB/08 with copies of \_\_ listed reference(s).
- ☐ [ ] Other .

Miscellaneous:

- ☐ [ ] Suspension of action of the above-identified application is requested under 37  
C.F.R. § 1.103(c) for a period of \_\_ months.

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$810.00	= \$810.00
Total Claims:	39	- 41	= 0	x \$52.00	= \$0.00
Independents	5	- 5	= 0	x \$220.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$390.00	= \$0.00
CLAIMS FEE TOTAL:					= \$810.00

☐ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$130.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$490.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the third month:	\$1,110.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,730.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,350.00		\$0.00
EXTENSION FEE SUBTOTAL:				\$0.00
EXTENSION FEE ALREADY PAID: -				\$0.00
EXTENSION FEE TOTAL				\$0.00
CLAIMS AND EXTENSION FEE TOTAL:				\$810.00
<input checked="" type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):			\$405.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:				\$405.00

The above-identified fees of \$405.00 are being paid by credit card via EFS-Web.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date December 24, 2008

By /James D. Borchardt/

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Telephone: (414) 319-7077  
Facsimile: (414) 297-4900

James D. Borchardt  
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Registration No. 62,025